

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

WILLIAM L. SUTTON,

Plaintiff,

v.

CIVIL NO. 2:16-cv-741

NANCY A. BERRYHILL,

*Acting Commissioner of the
Social Security Administration,*

Defendant.¹

FINAL ORDER

William L. Sutton (“Plaintiff”) brought this action under 42 U.S.C. § 405(g), seeking judicial review of the decision of the Commissioner of Social Security (“Commissioner”) to deny his claim for disability insurance benefits under Title II of the Social Security Act. Plaintiff claims that he is disabled and that the Administrative Law Judge did not properly account for Plaintiff’s need for a cane.

This matter was referred to a United States Magistrate Judge for a report and recommendation pursuant to provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure as well as Rule 72 of the Local Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation of the Magistrate Judge was filed on December 7, 2017, which recommends that the Court affirm the final decision of the Commissioner, grant the Commissioner’s Motion for Summary Judgment (ECF No. 20), and deny Plaintiff’s Motion for Summary Judgment (ECF No. 18). ECF No. 22.


¹ Nancy A. Berryhill became the Acting Commissioner of the Social Security Administration on January 23, 2017, after the commencement of this lawsuit. Therefore, Nancy A. Berryhill (hereinafter, “Commissioner”) has been substituted for Carolyn W. Colvin as defendant in this case.

By copy of such report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. Id. at 18. To date, the Court has received no objections to the Magistrate Judge's Report and Recommendation, and the time for filing same has expired.

Therefore, the Court hereby **ADOPTS** the findings and recommendations of the Magistrate Judge as set forth in the Report and Recommendation filed on December 7, 2017. ECF No. 22. Accordingly, the Court **GRANTS** Commissioner's Motion for Summary Judgment, ECF No. 20, **DENIES** Plaintiff's Motion for Summary Judgment, ECF No. 18, and **AFFIRMS** the final decision of the Commissioner.

The Clerk is **DIRECTED** to forward a copy of this Final Order to all Counsel of Record.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

Norfolk, VA
January 3, 2018